

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

CASE #

ROW #

015-2011-0113

10659468

TP-0204060609

CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE

**WARNING: Filing of this appeal stops all affected construction activity.**

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.**

STREET ADDRESS: 1308 East Cesar Chavez Street

LEGAL DESCRIPTION: Subdivision -- Peck & McGary

Lot(s) 5 Block 12 Outlot 19 Division "O"

I/We Linda Johnston on behalf of myself/ourselves as authorized agent for

Gary Price affirm that on Sept. 21<sup>st</sup> 2011

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

    ERECT     ATTACH   X   COMPLETE     REMODEL     MAINTAIN

**Finish construction of a two story addition to a single family residence. The addition encroaches into the Subchapter F residential compatability setback plan on the west side of the site. The property to the west side of the site is a commercial use and is zoned CS/MU/CO/NP. The sidewall of the residence encroaches into the setback plane height by 12'-7" for a width of 20'.**

in a CS-MU-CO-NP district.  
(zoning district)

**NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.**

**VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):**

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

**The side setback plane of the Subchapter F overlay imposes unreasonable setback requirements for a residential use from the adjacent to commercial uses.**

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:

**The original permit was obtained and construction begun prior to the adoption of the Subchapter F overlay, The encroachment into the setback plan is an existing condition that was legal when constructed.**

- (b) The hardship is not general to the area in which the property is located because:

**This house is one of the only single family residences on East Cesar Chavez surrounded by commercial uses on both sides. The majority of the street is zoned CS or CS-1**

**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

**The adjacent lots on both sides are commercial uses without side setback planes. The allowable height on the adjacent lots is 60'.**

**PARKING:** (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

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**NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.**

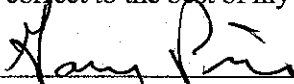
**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 1313 East Sixth Street

City, State & Zip Austin, Texas 78702

Printed Linda Johnston Phone (512) 478-4952 Date 9-21-11

**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 1308 E. Cesar Chavez St.

City, State & Zip Austin, Texas 78702

Printed Gary Price Phone (512) 350-3198 Date 9-21-11

### **GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT**

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

#### **VARIANCE REQUIREMENTS:**



## City of Austin

*Austin's Community-Owned Electric Utility*

[www.austinenergy.com](http://www.austinenergy.com)

Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

September 23, 2011

James Miller  
J S Johnston Architects  
1313 E. Sixth Street  
Austin, Texas 78702  
Via email: [jmiller@lsjohnston.com](mailto:jmiller@lsjohnston.com)

Re: 1308 E. Cesar Chavez  
Lot 5, Block 12, OLT 19, DIV O, Peck & McGary Subdivision

Dear Mr. Miller,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to finish construction of a two story addition to a single family residence within the west side setback plane height by 12'7" for a width of 20'. Austin Energy has no conflicts with this application as requested and shown on the attached red-stamped sketch provided owner/applicant meets AE clearance criteria requirements as well as be in compliance with the National Electric Safety Code and OSHA with any existing or future improvements.

Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6587.

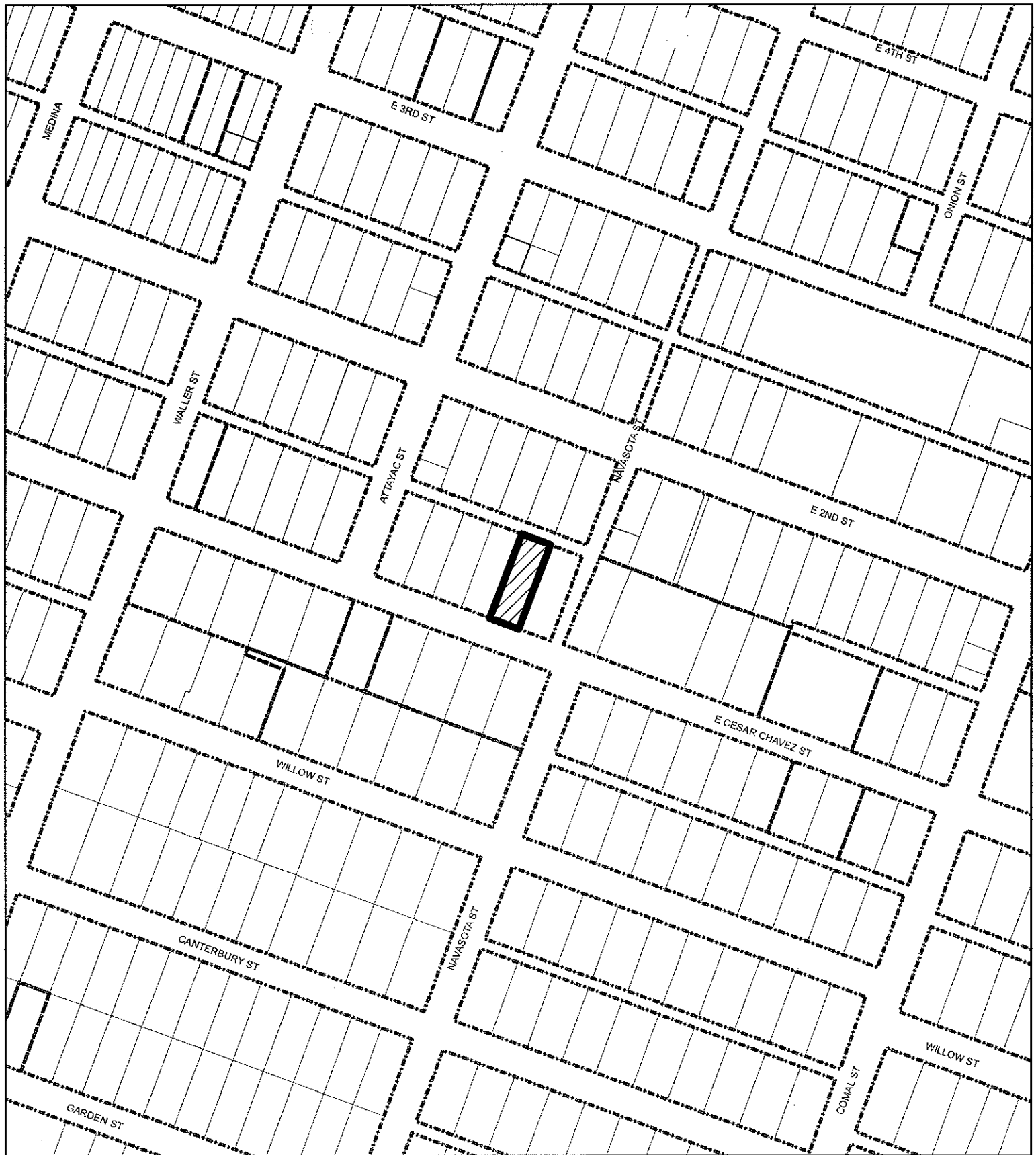
Sincerely,

A handwritten signature in cursive script, appearing to read "Lena Lund".

Lena Lund  
Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker





SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2011-0113  
LOCATION: 1308 EAST CESAR CHAVEZ ST



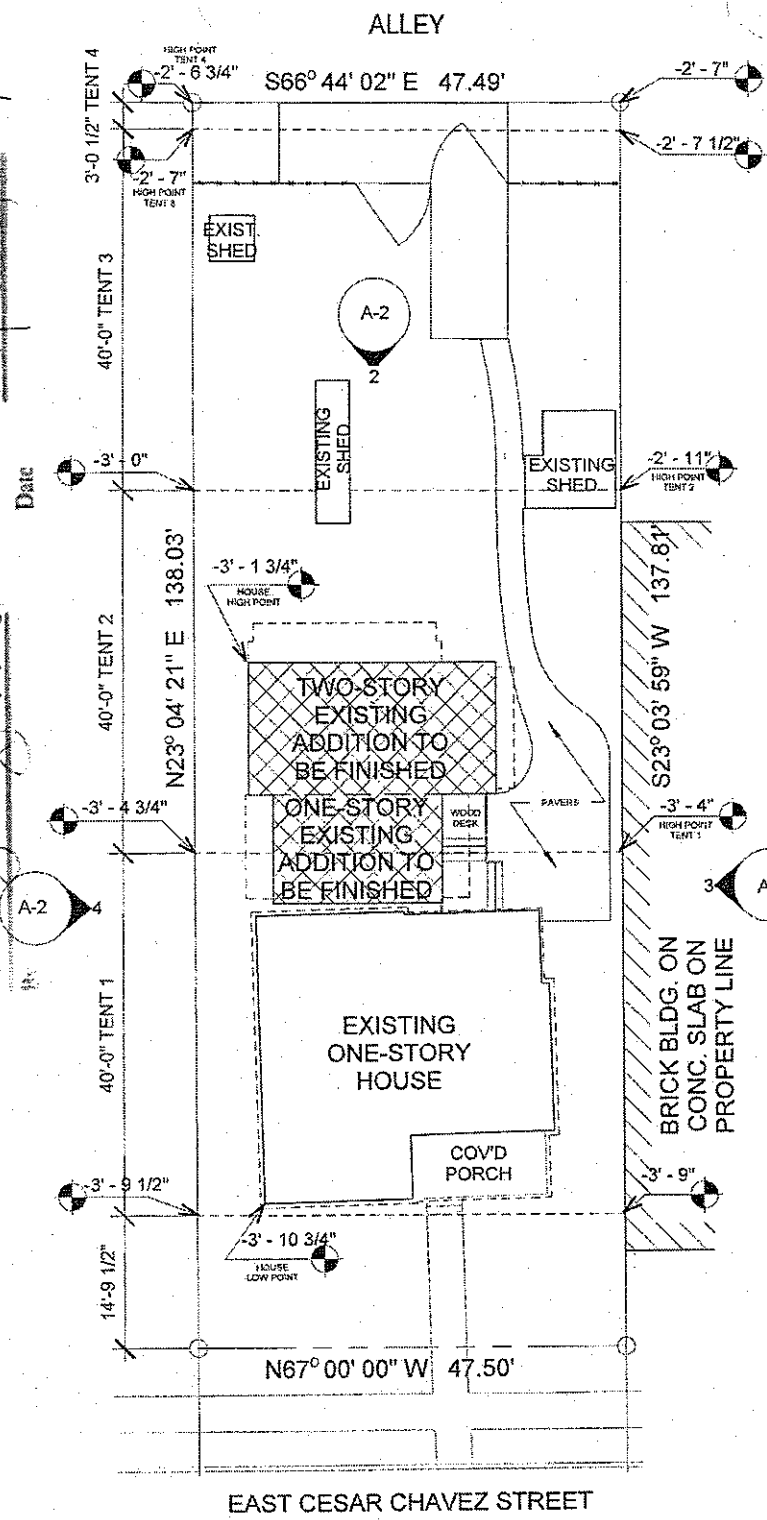
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

1308 E. Cesar Chavez  
 has reviewed this plan for  
 and hereby approves the various requested before the Board of Adjustment. Any change to  
 this plan must be approved by Austin Energy

9/23/2011

AUSTIN ENERGY

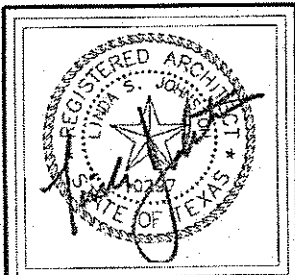


EXISTING IMPERVIOUS COVER	
HOUSE	905sf
COVERED PORCH	104sf
SHED(s)	185sf
SIDEWALK	67sf
PAVERS	275sf
TOTAL	1,536sf
SITE	6,550sf
	23.45%

PROPOSED IMPERVIOUS COVER	
HOUSE	905sf
HOUSE ADDITION	631sf
COVERED PORCH	104sf
SHED(s)	185sf
WALKWAYS	136sf
PAVERS	390sf
COVD WD DECK	35sf
UNCOVD WD	
DECK @ 50%	40sf = 20sf
DRIVEWAY	374sf
ROOF OVERHAG	
OVER 2'	60sf
AC PADS	18sf
TOTAL	2,858sf
SITE	6,550sf
	43.63%

① SITE PLAN  
 1/16" = 1'-0"



**PRICE HOUSE**

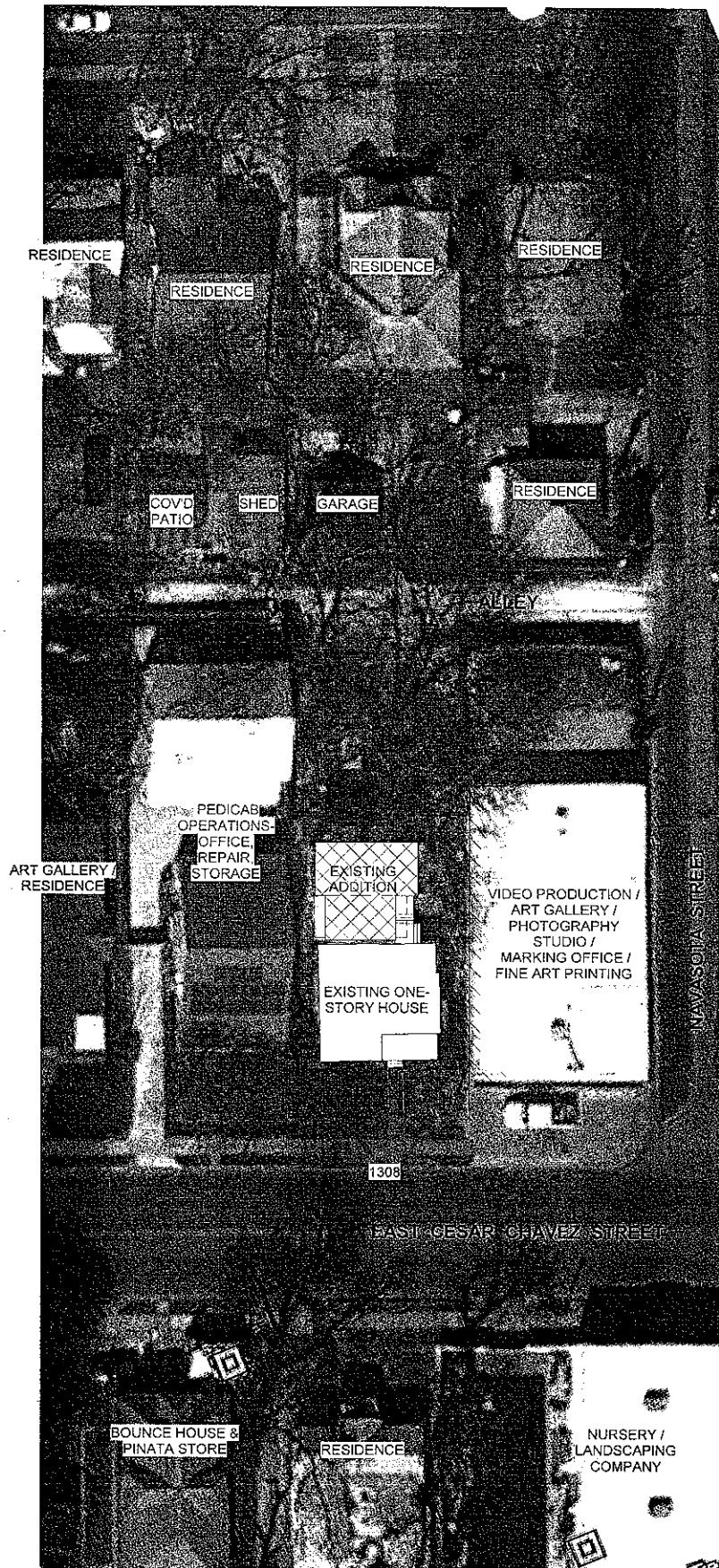
1308 EAST CESAR CHAVEZ STREET  
 AUSTIN TEXAS

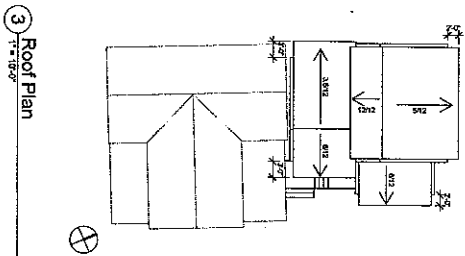
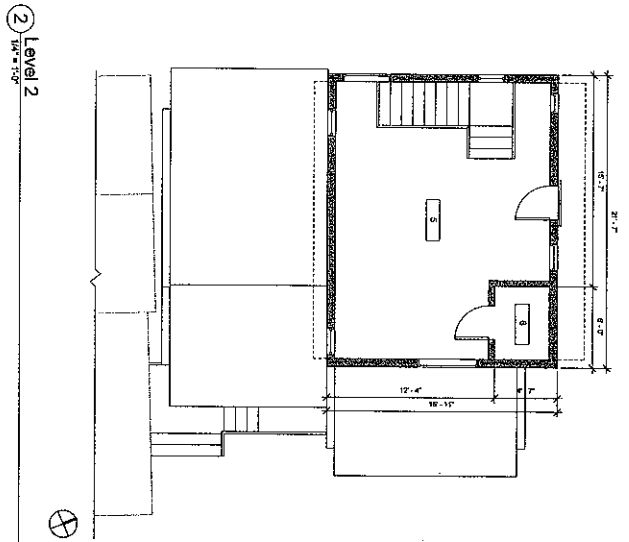
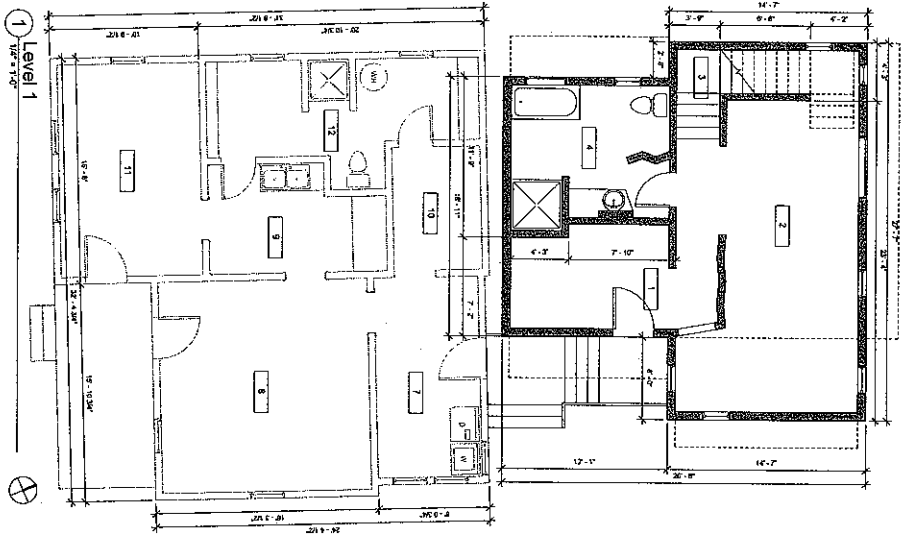
**L.S. JOHNSTON ARCHITECTS**

phone 512.478.4952 fax 512.478.4972

**A-0**

DATE: 09/21/11





A-1

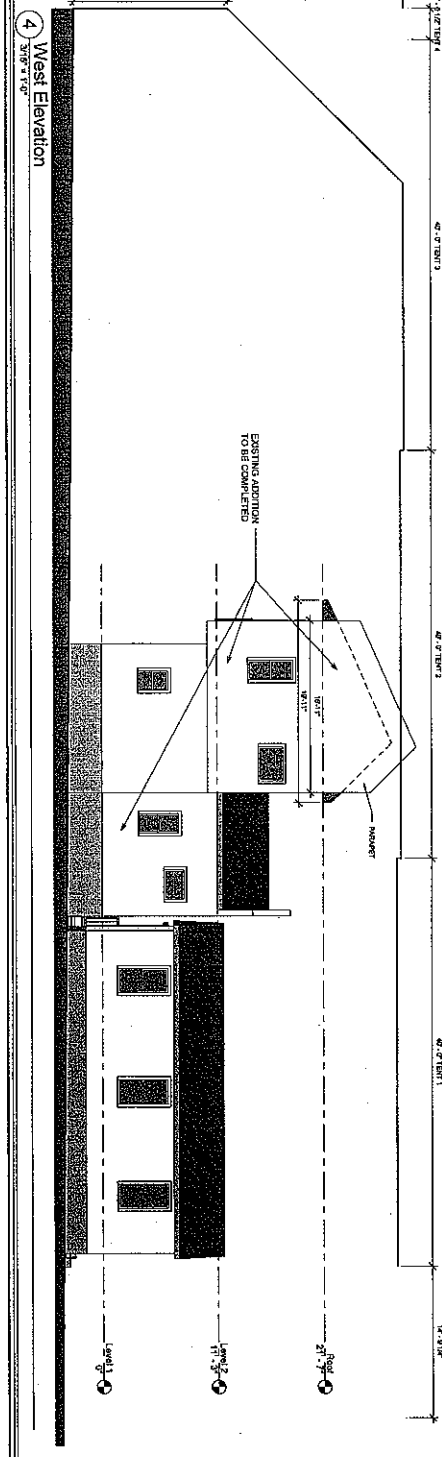
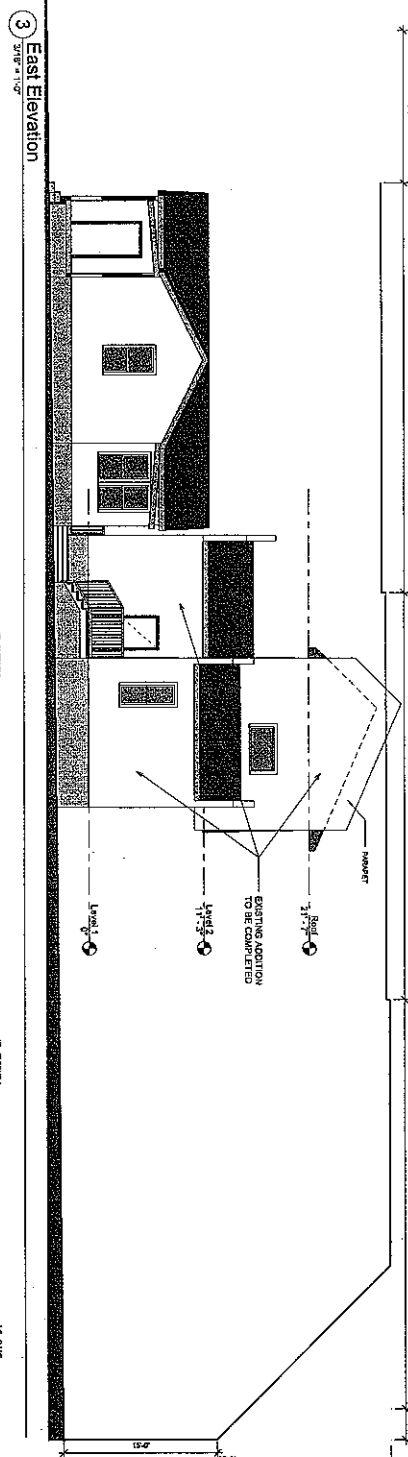
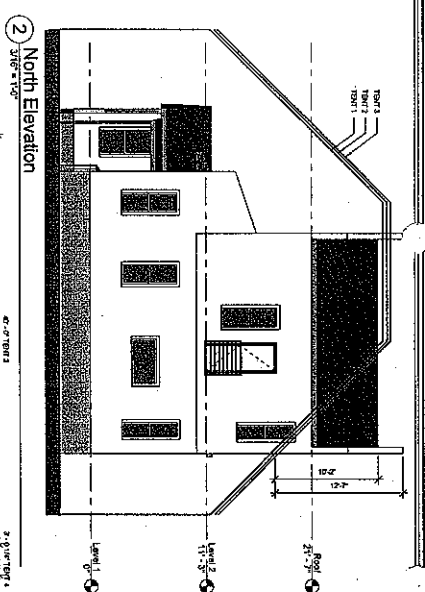
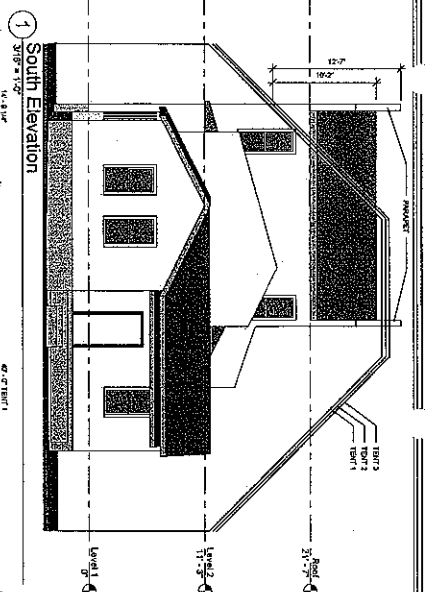
FLOOR PLAN

DATE 09/21/11  
DRAWN BY JSM  
CHECKED BY LSL

PRICE HOUSE  
1308 EAST CESAR CHAVEZ STREET  
AUSTIN TEXAS



LS Johnston  
ARCHITECTS / AIA  
ARCHITECTURE  
PLANNING  
RENDERING  
1313 East Sixth Street  
Austin, Texas 78702  
Phone 512.478.4872  
Fax 512.478.4872



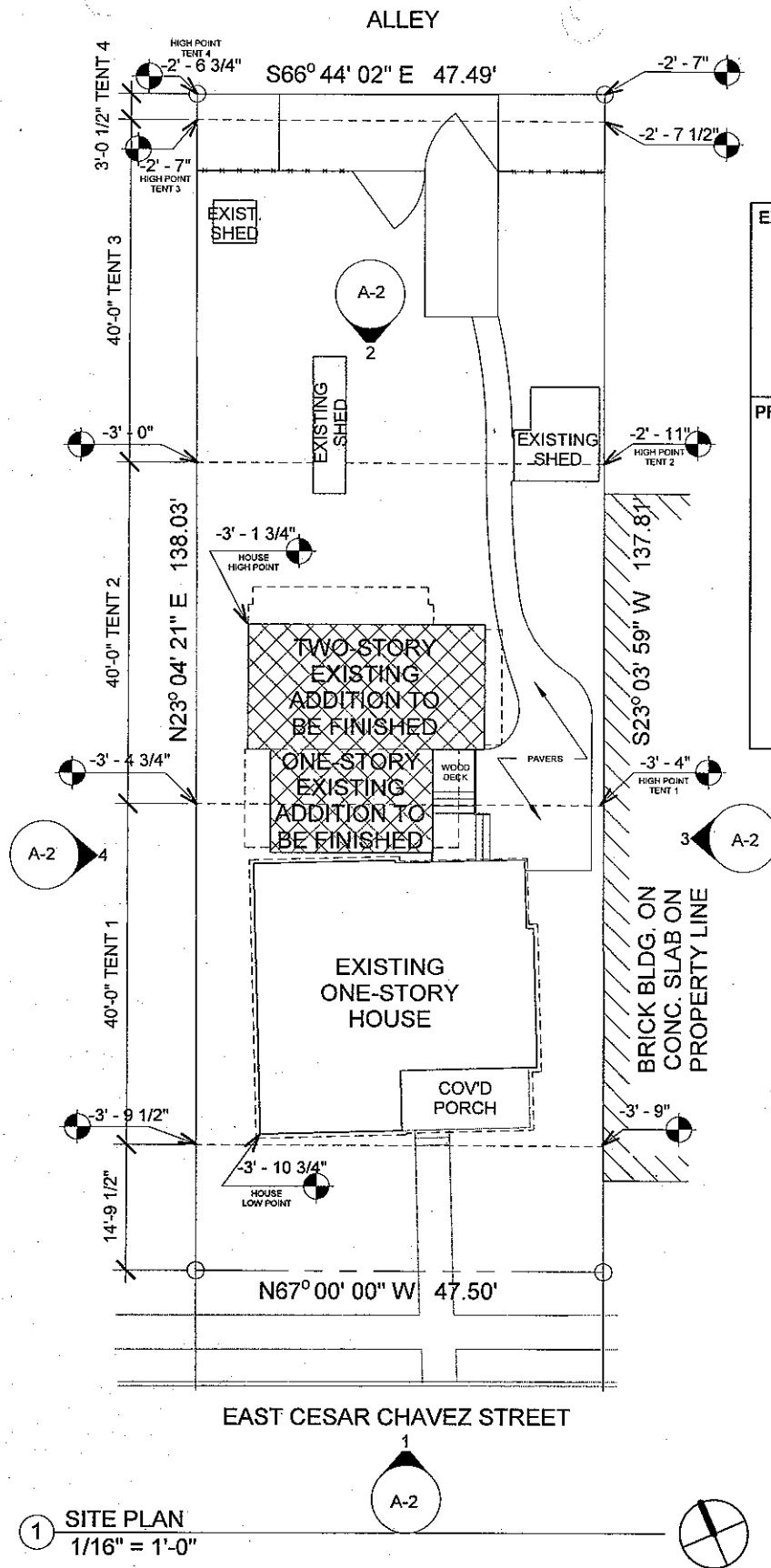
**L.S.**  
**Johnston**  
 ARCHITECTS / N/A  
 ARCHITECTURE  
 PLANNING  
 RENDERING  
 1313 East South Street  
 Austin, Texas 78702  
 Phone 512.418.4822  
 Fax 512.418.4822

**PRICE HOUSE**  
**1308 EAST CESAR CHAVEZ STREET**  
**AUSTIN TEXAS**

DESIGNED BY: JSM  
 CHECKED BY: LSJ  
 DATE: 09/21/11  
 REVISIONS:

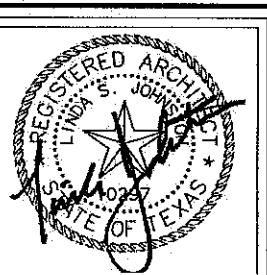
EXTERIOR ELEVATIONS

**A-2**



EXISTING IMPERVIOUS COVER	
HOUSE	905sf
COVERED PORCH	104sf
SHED(s)	185sf
SIDEWALK	67sf
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TOTAL	1,536sf
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**PRICE HOUSE**  
1308 EAST CESAR CHAVEZ STREET  
AUSTIN TEXAS

**A-0**

**L.S. JOHNSTON ARCHITECTS**  
phone 512.478.4952 fax 512.478.4972

DATE: 09/21/11



EXISTING ADDITION  
TO BE COMPLETED

VIEW FROM EAST CESAR CHAVEZ STREET

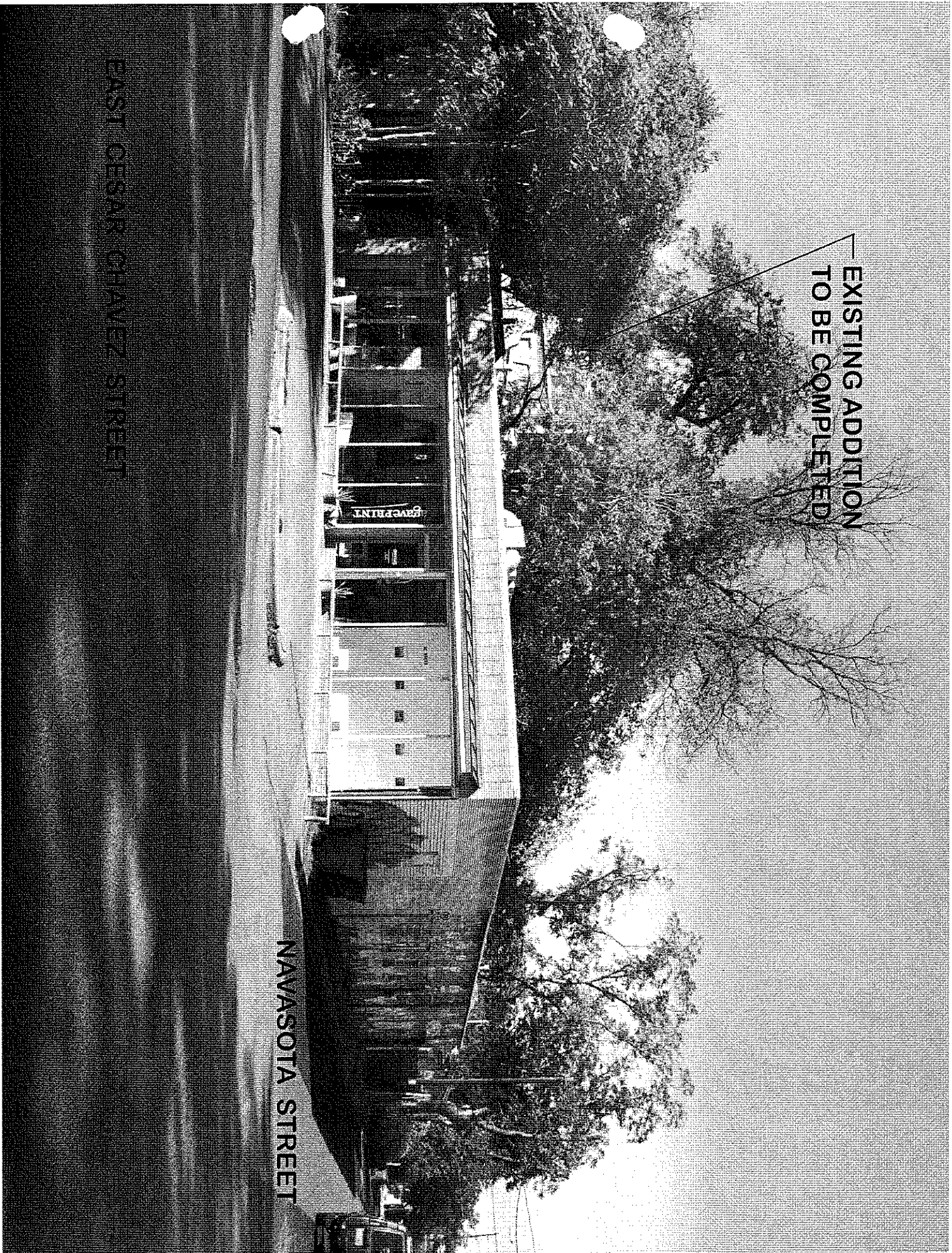




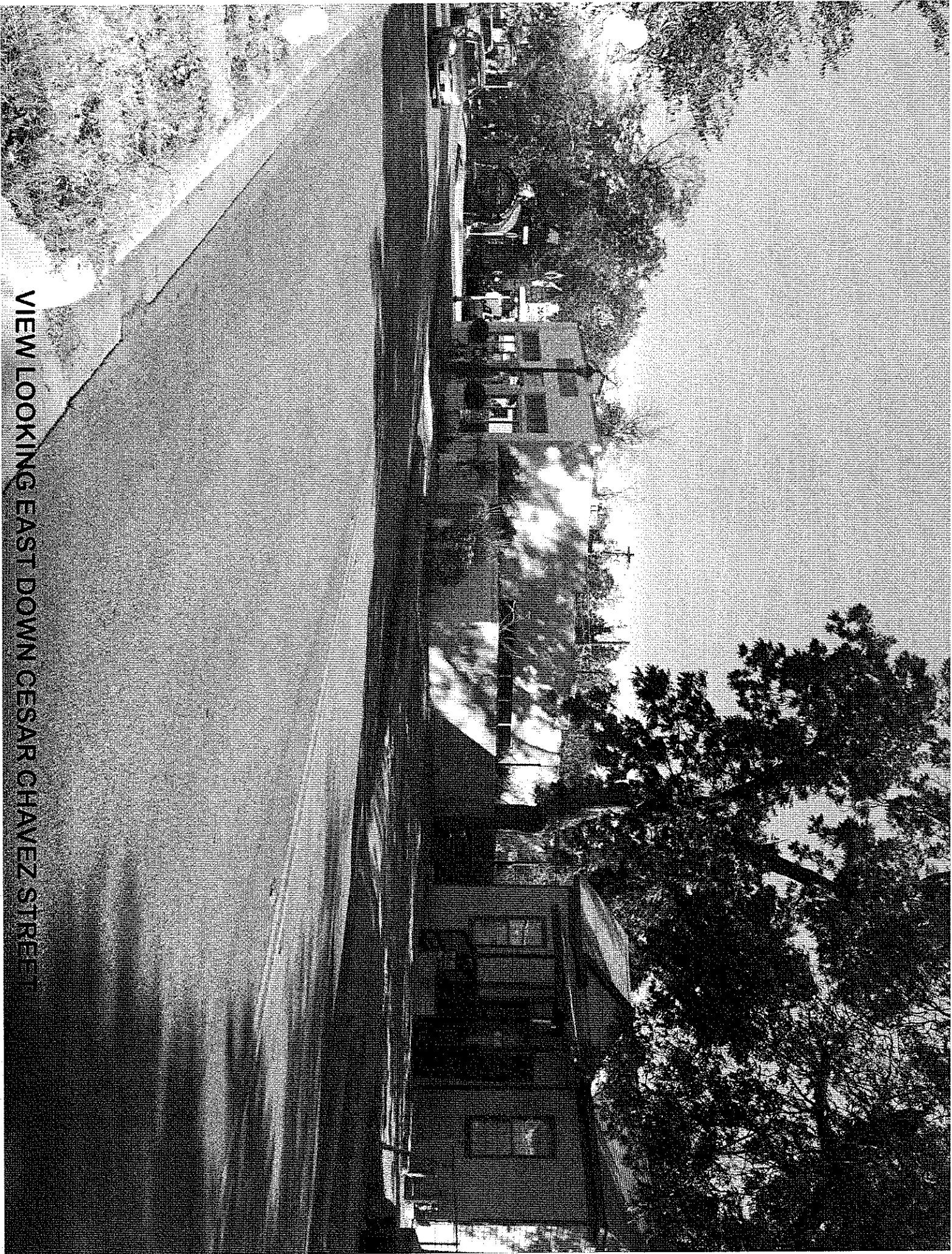
EXISTING ADDITION  
TO BE COMPLETED

NAVASOTA STREET

EAST CECIL CHAMBER STREET



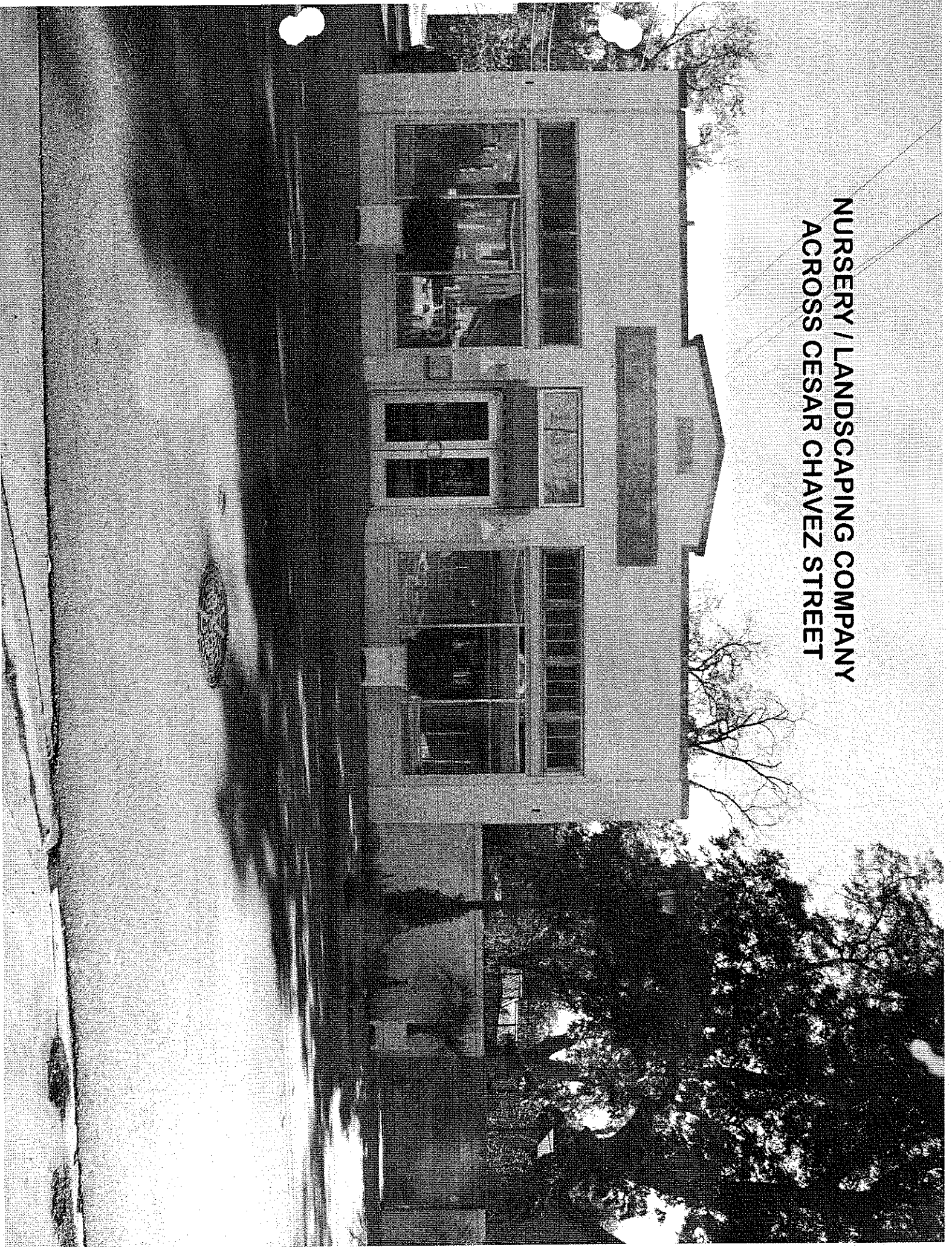




VIEW LOOKING EAST DOWN CESAR CHAVEZ STREET



**NURSERY / LANDSCAPING COMPANY  
ACROSS CESAR CHAVEZ STREET**





FRONT OF THE EXISTING HOUSE WITH ADJACENT COMMERCIAL BUILDING



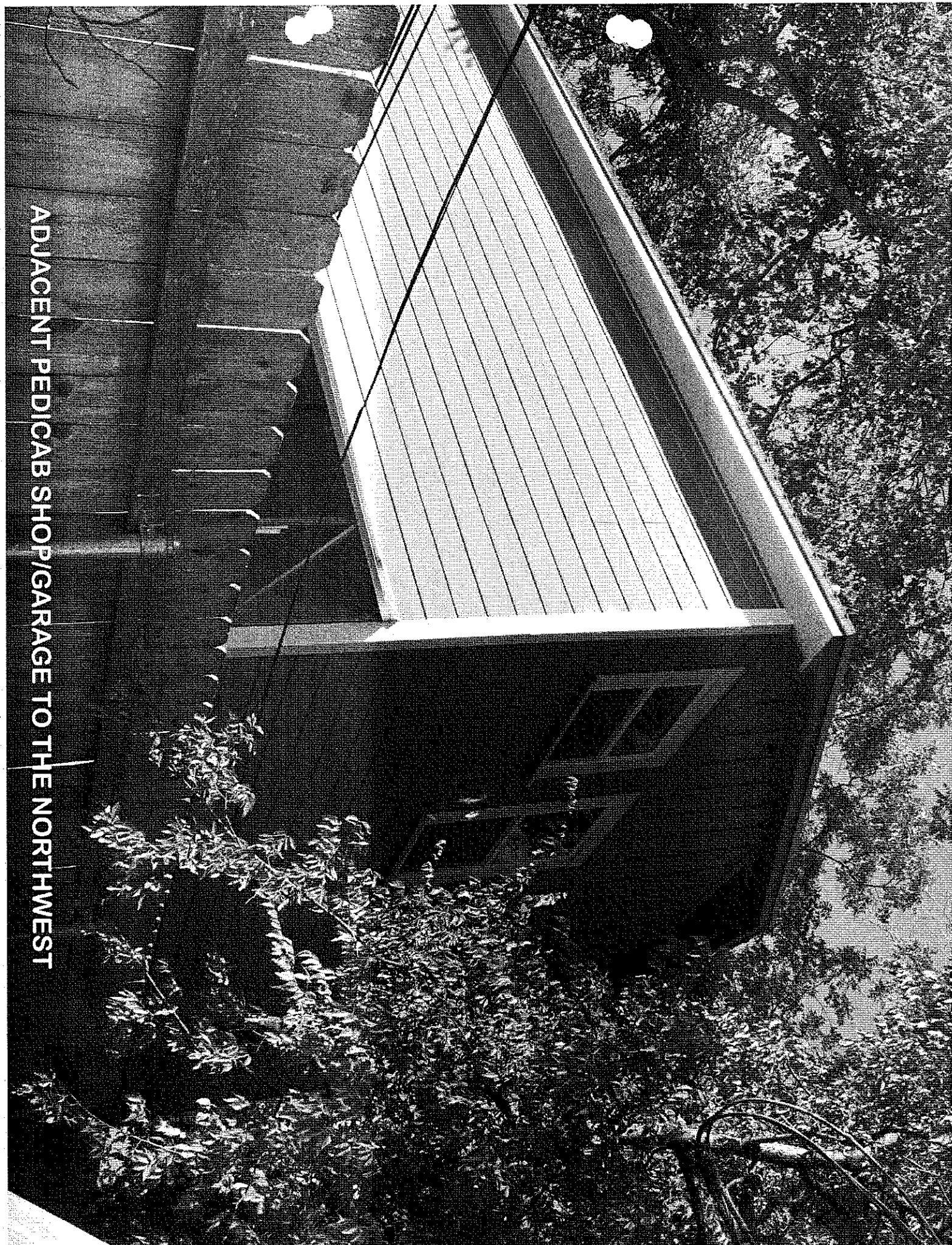


EXIST. & ADDITION  
TO BE COMPLETED

PEDICAB  
SHOP/GARAGE

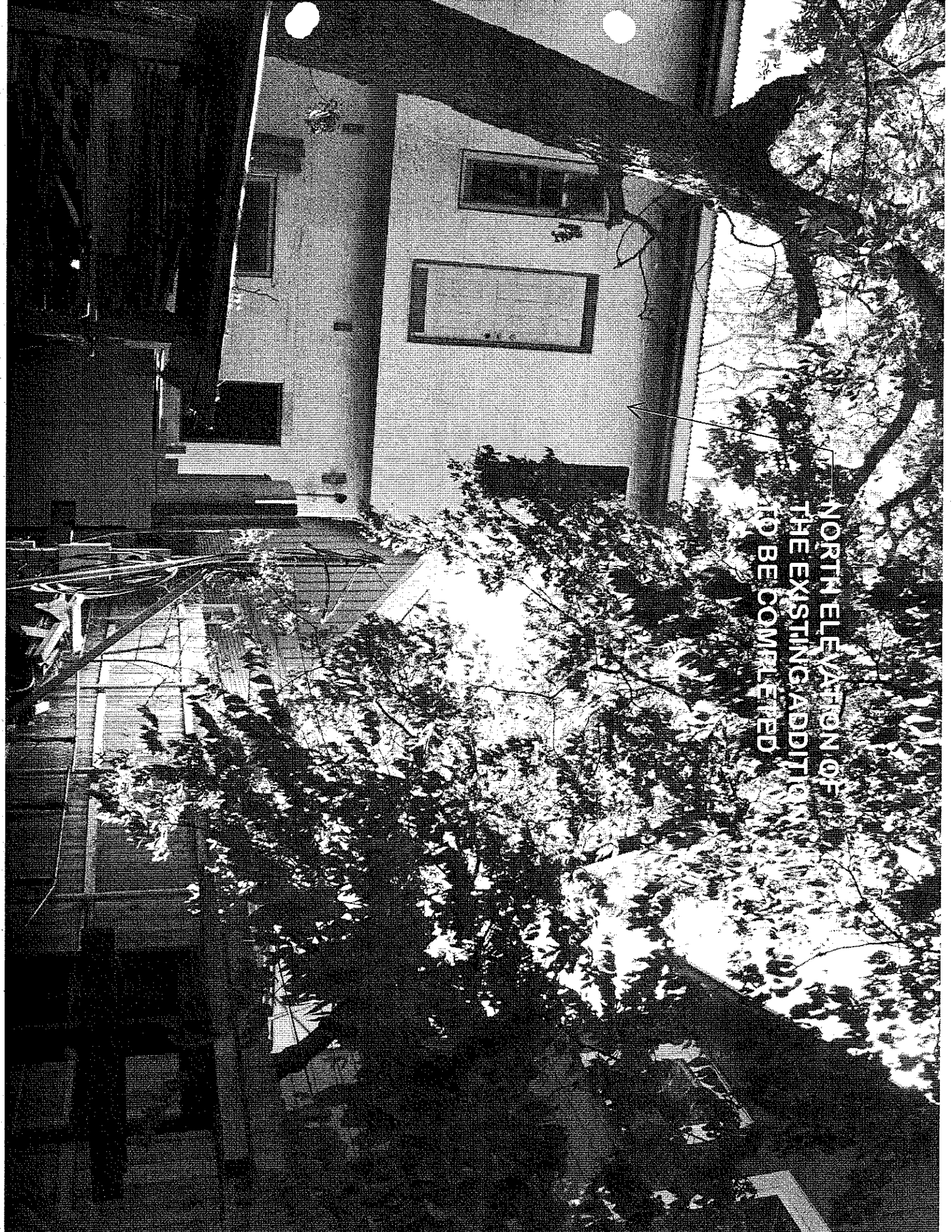
VIEW LOOKING NORTH ALONG  
THE WEST PROPERTY LINE





ADJACENT PEDICAB SHOP/GARAGE TO THE NORTHWEST

NORTH ELEVATION OF  
THE EXISTING ADDITION  
TO BE COMPLETED

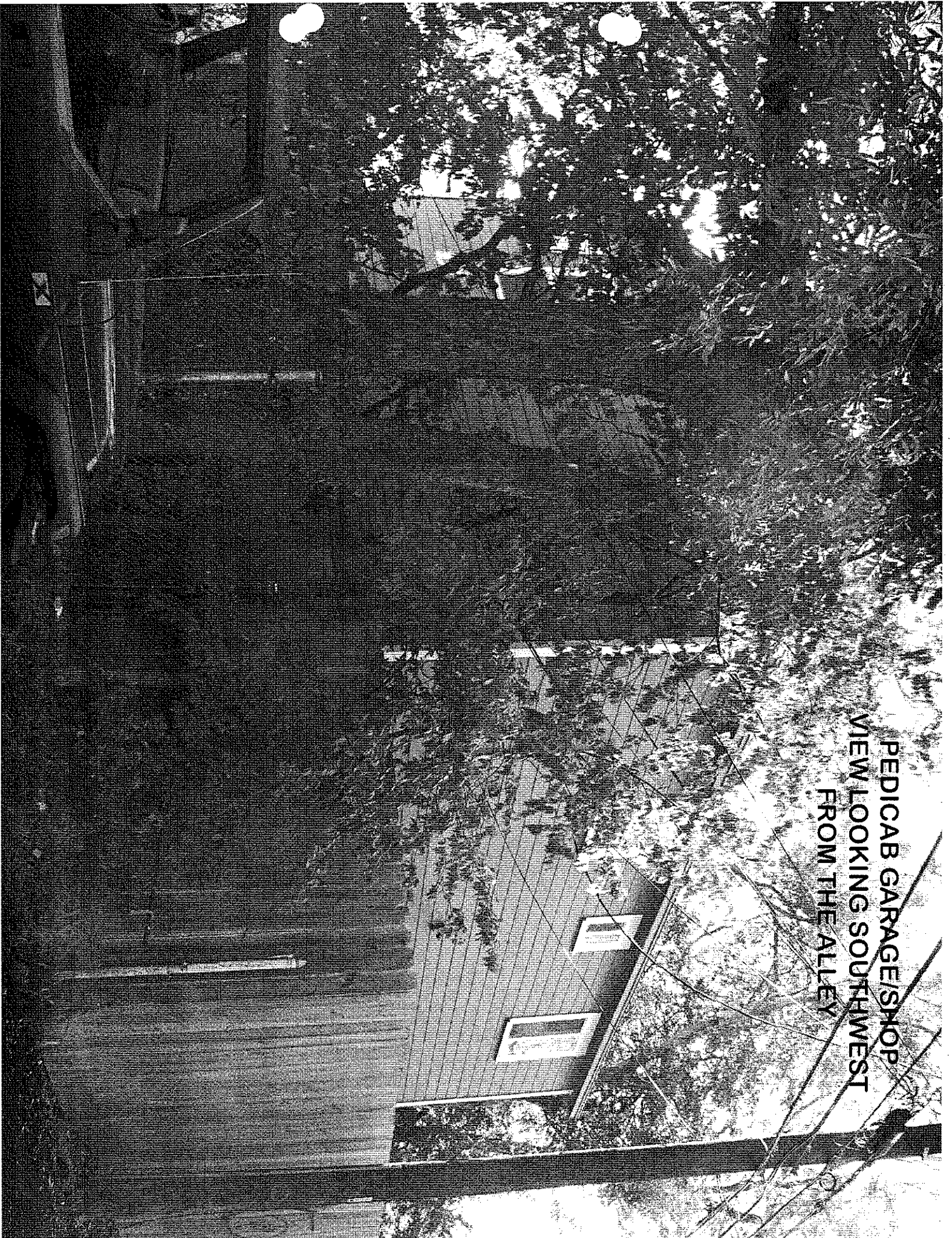




ADJACENT COMMERCIAL BUILDING ON EAST PROPERTY LINE

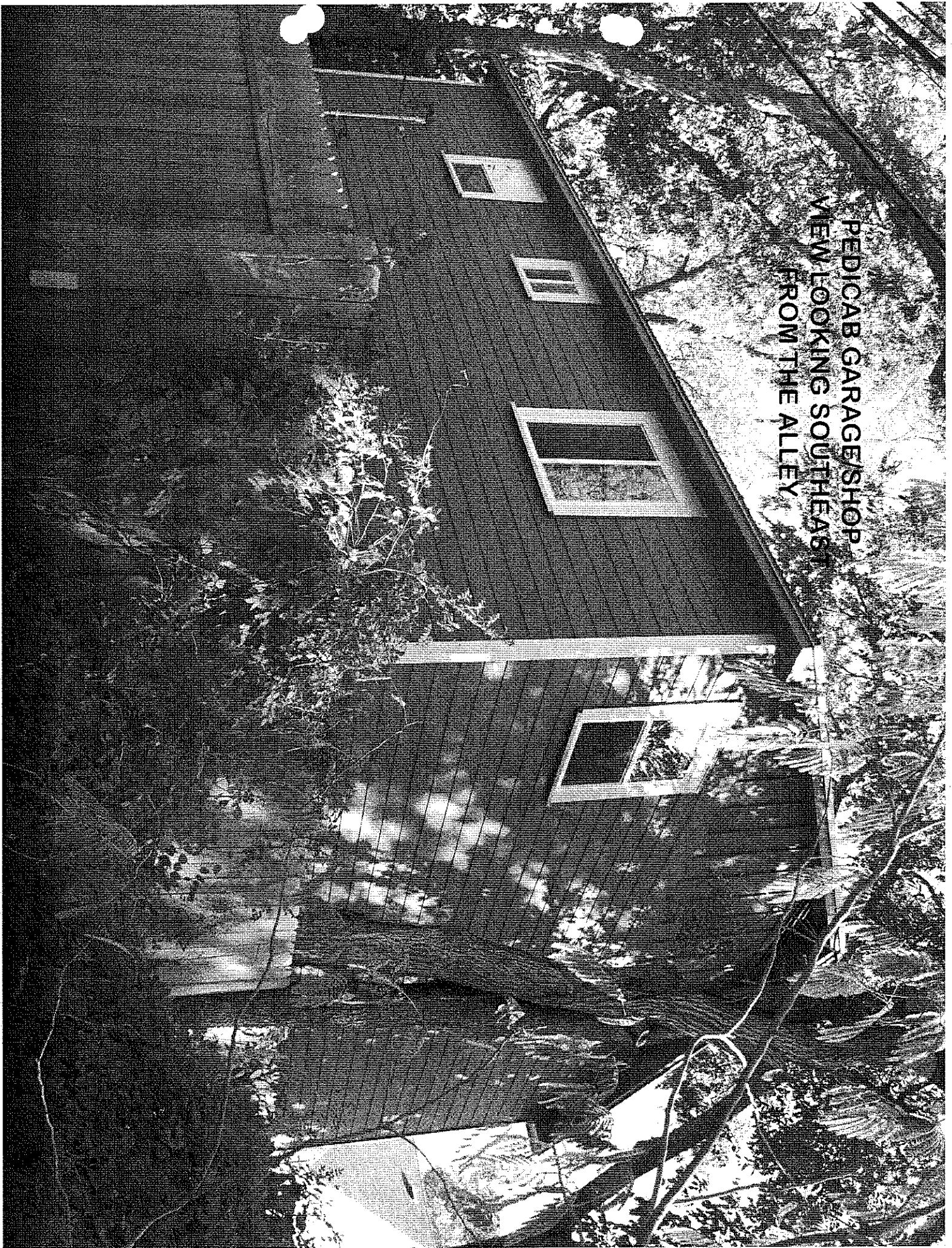


PEDICAB GARAGE/SHOP  
VIEW LOOKING SOUTHWEST  
FROM THE ALLEY





PEDICAB GARAGE/SHOP  
VIEW LOOKING SOUTHEAST  
FROM THE ALLEY





VIEW LOOKING EAST DOWN  
THE ALLEY FROM THE WEST  
END OF THE BLOCK

